

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PERRY BECKER, individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

Case No: 2:19-cv-535-FtM-29NPM

PRO CUSTOM SOLAR LLC,

Defendant.

ORDER

This matter is before the Court on the Unopposed Motion for Leave to File Under Seal, filed on April 20, 2020. (Doc. 56). Plaintiff Perry Becker seeks leave to file a motion to compel discovery and corresponding exhibits under seal. (*Id.* at 1). Defendant Pro Custom Solar LLC does not oppose the relief requested. (*Id.* at 6). Plaintiff claims Defendant has designated certain documents as confidential and Plaintiff will be including these documents as exhibits and citing to them extensively in a forthcoming motion to compel. Plaintiff requests leave to file the motion and exhibits under seal.

Pursuant to Local Rule 1.09(a):

Unless filing under seal is authorized by statute, rule, or order, a party seeking to file under seal any paper or other matter in any civil case shall file and serve a motion, the title of which includes the word's "Motion to Seal" and which includes (i) an identification and description of each proposed for sealing; (ii) the reason that filing each item is necessary; (iii) the reason that sealing each item is necessary; (iv) the reason that a means other than sealing is unavailable or unsatisfactory to preserve the interest advanced by the movant in support of the seal; (v) a statement of the proposed duration of the seal; and (vi) a memorandum of legal authority supporting the seal. The movant shall not file or otherwise tender to the Clerk any item proposed for sealing unless the Court has granted the motion required by this section.

M.D. Fla. R. 1.09(a).

Here, Plaintiff has provided a description of the documents, the reasons the documents are necessary, the reasons sealing the documents is necessary, the reasons a means other than sealing is unavailable or unsatisfactory to preserve the interest advanced by the movant in support of the seal, a statement of the purposed duration of the seal, and a memorandum of legal authority. Although Plaintiff requests the motion and exhibits remain under seal until one year after the resolution of any appeals, the Court determines the proper duration of the seal is for the duration of this action and any appeal thereto, or until an Order is entered unsealing these documents. Thus, pursuant to Local Rule 1.09(a), the Court will allow Plaintiff to file the motion to compel and corresponding exhibits under seal. The Court will also require Plaintiff to file a minimally redacted version of the motion to compel without exhibits on the public record.

Accordingly, it is hereby **ORDERED**:

- 1) The Unopposed Motion for Leave to File Under Seal (Doc. 56) is **GRANTED**.
- 2) Within five (5) business days, Plaintiff shall deliver the unredacted documents to the Clerk's Office in an envelope with the caption of the case and indicating the documents are to be filed under seal pursuant to this Order. Plaintiff shall provide a copy of this Order with the documents. Upon receipt by the Clerk of Court of the documents, the Clerk of Court shall file them under seal. If available, counsel shall provide a flash drive or disc containing the PDF of the documents for ease of filing by the Clerk's Office.

- 3) These documents shall remain under seal for the duration of this action and any appeal thereto, or until an Order is entered unsealing these documents.
- 4) Plaintiff will file a minimally redacted version of the motion to compel without exhibits on the public record.

DONE and **ORDERED** in Fort Myers, Florida on April 24, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties